

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**CHARLES DERRICK KELLER,**                            )  
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    )  
**Petitioner,**    )  
    )  
    )  
**vs.**    )    Case No. CIV-11-209-JHP-KEW  
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    )  
**STATE OF OKLAHOMA,**                                )  
    )  
    )  
**Respondent.**                                        )

**ORDER**

This matter comes on for consideration of Petitioner's Motion for Reconsideration (Dkt. # 16). Petitioner argues this Court erred in granting the State's motion to dismiss because he claims he is still "in custody" on the probation portion of, at least one, of his state court convictions. Petitioner did not, however, challenge the judgments and sentences which were rendered against him in 2000 and 2001 following his pleas of guilty. Rather, Petitioner attempted to challenge a *nunc pro tunc* order which was issued, on December 2, 2010, to correct a scrivener's error that occurred when the state sought dismissal of its applications to revoke his suspended sentences. To the extent Petitioner was attempting to challenge the judgments and sentences rendered against him which were entered on April 4, 2000 and March 22, 2001,<sup>1</sup> this action is barred by the statute of limitations. 28 U.S.C. § 2244(d)(1). Accordingly, Petitioner's Motion is hereby denied.

Dated this 6th day of January, 2012.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma

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<sup>1</sup>See, Dkt. # 16 at pp. 5-13.